

FILED  
U.S. DISTRICT COURT

2010 SEP 30 P 2:38

DISTRICT OF UTAH

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BY: \_\_\_\_\_  
DEPUTY CLERK

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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH**

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STATE OF UTAH, CAMILLE  
ANTHONY, in her official capacity as  
Executive Director of the Utah Department  
of Administrative Services, and GWEN  
ANDERSON, in her official capacity as  
Director of the Office of State Debt  
Collection,

*Appellants/Plaintiffs,*

vs.

JASON DEREK TROFF, an individual,

*Appellee/Defendant.*

Bankruptcy Case No. 03-21840  
Adversary Proceeding No. 04-02491

District Case No. 2:05cv382 BSJ

Judge Bruce S. Jenkins

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**SUPPLEMENT TO APPELLANTS' BRIEF**


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At the Court's request and with no objection from the Appellee, the State of Utah

submits by attaching hereto a certified copy of the Judgement, Sentence (Commitment) entered against Appellee on August 25, 1997 by the Honorable Tyrone E. Medley, District Judge of the Third Judicial District for Salt Lake County, State of Utah.

Dated this 6th day of June, 2005.

MARK L. SHURTLEFF  
Utah Attorney General

  
\_\_\_\_\_  
KEVIN V. OLSEN  
Assistant Attorney General  
Attorneys for Defendants/Appellants

#### MAILING CERTIFICATE

I hereby certify that on the 6th day of June, 2005, a true and correct copy of the foregoing Supplement to Appellants' Brief with attachment was hand-delivered to:

R. Mont McDowell  
Michael F. Thomson  
McDOWELL & GILLMAN, P.C.  
Twelfth Floor  
50 West Broadway  
Salt Lake City, Utah 84101

  
\_\_\_\_\_

IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH

JUDGEMENT, SENTENCE  
(COMMITMENT)

Plaintiff,  
vs.  
TROFF, JASON DEREK  
  
(Diagnostic Unit U.S.P.)  
  
Defendant.

Case No. 971900425  
Count No.  
Honorable Tyrone E. Medley  
Clerk Susan Hensley  
Reporter Dorothy Tripp  
Bailiff Gus Chin  
Date August 25, 1997

☐ The motion of \_\_\_\_\_ to enter a judgement of conviction for the next lower category of offense and impose sentence accordingly in ☐ granted ☐ denied. There being no legal or other reason why sentence should not be imposed, and defendant having been convicted by ☐ a jury; ☐ the court, ☒ plea of guilty; ☐ plea of no contest; of the offense of criminal offenses - arson, a felony of the 2nd degree, ☐ a class \_\_\_\_\_ misdemeanor, being now present in court and ready for sentence and represented by D. Maddox, and the State being represented by E. Jones, is now adjudged guilty of the above offense, is now sentenced to a term in the Utah State Prison.

- ☐ to a maximum mandatory term of \_\_\_\_\_ years and which may be life;  
☐ not to exceed five years;  
☒ of not less than one year nor more than fifteen years;  
☐ of not less than five years and which may be for life;  
☐ not to exceed \_\_\_\_\_ years;  
☐ and ordered to pay a fine in the amount of \$ \_\_\_\_\_;  
☒ and ordered to pay restitution in the amount of \$ \_\_\_\_\_ to \$239,969 to be paid jointly and severally  
☐ such sentence is to run concurrently with \_\_\_\_\_  
☐ such sentence is to run consecutively with \_\_\_\_\_  
☐ upon motion of ☐ State, ☐ Defense, ☐ Court, Court(s) \_\_\_\_\_ are hereby dismissed.  
☒ Defendant is granted a stay of above ( ☒ prison ) sentence and placed on probation in the custody of this Court and under the supervision of the Chief Agent, Utah State Department of Adult Parole for the period of 36 months, pursuant to the attached conditions of probation.  
☐ Defendant is remanded into the custody of the Sheriff of Salt Lake County ☐ for delivery to the Utah State Prison, Draper Utah, or ☐ for delivery to the Salt Lake County Jail, where defendant shall be confined and imprisoned in accordance with this Judgment and Commitment.  
☐ Commitment shall issue.

2217374  
8-27-97  
8:15 am

DATED this 25 day of August 19 97

APPROVED AS TO FORM

*Tyrone E. Medley*  
DISTRICT COURT JUDGE

Defense Counsel

Deputy County Clerk  
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT ON FILE IN  
THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE  
COUNTY, STATE OF UTAH  
COURT CLERK

Judgment/State v

TROFF, JASON DEREK

971900425

CR

Honorable

Tyrone E. Medley

## CONDITIONS OF PROBATION

- ☐ Usual and ordinary conditions required by the Dept. of Adult Probation & Parole
- ☒ Serve **one year - to be given no credit for time served**  
in the Salt Lake County Jail commencing
- ☐ Pay a fine in the amount of \$ at a rate to be determined by the Department of Adult Probation and Parole; or at the rate of
- ☒ Pay restitution in the amount of \$ **239,969** or in an amount to be determined by the Department of Adult Probation and Parole; at a rate of or ☒ at a rate to be determined by the Department of Adult Probation and Parole
- ☒ Enter, participate in, and complete any **mental health** program, counseling, or treatment as directed by the Department of Adult Probation and Parole
- ☐ Enter, participate in, and complete the program at
- ☒ Participate in and complete any educational, and/or ☒ vocational training as directed by the Department of Adult Probation and Parole, or with
- ☐ Participate in and complete any training as directed by the Department of Adult Probation and Parole, or with
- ☒ Submit person, residence, and vehicle to search and seizure for the detection of drugs
- ☒ Submit to drug testing
- ☒ Not associate with anyone who illegally uses, sells, or otherwise distributes narcotics or drugs
- ☒ Not frequent any place where drugs are used, sold, or otherwise distributed illegally
- ☒ Not use or possess non-prescribed controlled substances
- ☒ Refrain from the use of alcoholic beverages
- ☒ Submit to testing for alcohol use
- ☐ Take antabuse as directed by the Department of Adult Probation and Parole
- ☐ Obtain and maintain full-time employment
- ☐ Maintain full-time employment
- ☐ Obtain and maintain full-time employment or full-time schooling
- ☐ Maintain full-time employment or obtain and maintain full-time schooling
- ☐ Defendant is to have no contact nor associate with
- ☐ Defendant's probation may be transferred to under the Interstate Compact as approved by the Department of Adult Probation and Parole
- ☒ Complete **500** hours of community service restitution as directed by the Department of Adult Probation and Parole. **within 12 months of release of jail.**
- ☐ Complete hours of community service restitution in lieu of days in jail
- ☒ Defendant is to commit no crimes
- ☐ Defendant is ordered to appear before this Court on for a review of this sentence.
- ☒ Defendant to be supervised by I.S.P. with electronic monitoring
- ☒ Defendant to attend cognitive restructuring classes and time management.
- ☒ Defendant to report to Day Reporting Center
- ☒ Defendant is not to associate with known gang members
- ☒ Court imposes special conditions of probation for gangs

DATED this 25 day of August 19 97

*Tyrone E. Medley*  
DISTRICT COURT JUDGE



## SPECIAL CONDITIONS OF PROBATION for GANGS

1. The defendant shall not associate with any known gang member, specifically individuals affiliated with the Straight Edge Vegans gang, as designated by my probation officer. A.L.F.

2. The defendant shall not wear, display, use, or possess any insignias, emblems, belt buckles, jewelry, caps, hats, jackets, or shoes/shoe laces which are associated with a specific gang(s), any scarves/bandanas, shirts inscribed "In Memory of" a deceased or incarcerated gang member, or other articles of clothing modified to represent a particular gang(s). PM

3. The defendant shall not display any gang signs, gestures, or any posturing associated with a specific gang(s).

4. The defendant shall not have in his possession any written materials, documents or photographs which give evidence of gang involvement or activity, such as membership or enemy lists, articles which contain or have upon them gang-associated graffiti, drawings or lettering, photographs or newspaper clippings of gang members, gang crimes or activities including obituaries, or photographs of himself in gang clothing, demonstrating hand signs or holding weapons;

5. The defendant shall not have in his possession or under his control spray paint, spray can tips, large marking pens, or other items commonly used to create graffiti, or "tagger" magazines;

6. The defendant shall not frequent places where known gang members congregate, or locations specifically delineated by his probation officer (i.e., dance clubs);

7. The defendant shall not appear in court, or at a courts building, unless a party to proceedings in that court;

8. The defendant shall not visit or frequent any school ground, unless he is a student registered at that school and present during appropriate class hours;

9. The defendant shall not be an occupant in any stolen vehicle, or vehicle he should have known was stolen;

10. The defendant shall not have in his possession, in his custody, under his control, in a vehicle in which he is a passenger, or on the premises where he resides, any firearm or replica thereof, ammunition, or dangerous weapon (any item which, in the manner of its use or intended use is capable of causing death or serious bodily injury); further, Not associate with, or be in the company of, any individual who has firearms or dangerous weapons in their possession or under their control; any incendiary device or materials including matches or fireworks.

11. The defendant shall not be involved in activities in which, or frequent places at which, firearms or dangerous weapons are used, legally or otherwise, including but not limited to hunting or target shooting;

12. The defendant shall not be in possession of any beeper or paging device, except in the course of lawful employment;

13. The defendant shall obtain, and carry on his person at all times, a valid Utah Driver License, Utah Identification Card or other approved photo identification;

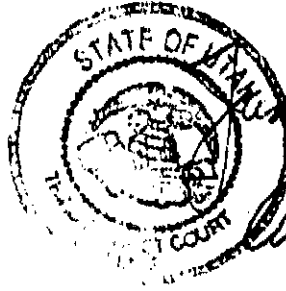
14. If/when contacted by law enforcement, the defendant shall provide his true name, place of residence (street address, not PO Box), and date of birth, and inform the officer(s) of his probation status; he shall report such contact to his probation officer within 48 hours, including the date and nature of the contact, the law enforcement agency and any potential charges;

15. The defendant shall be at his residence of record between the hours specified by his probation officer (example: 8:00 p.m. to 6:00 a.m.), unless otherwise authorized, i.e. for verified employment or education;

16. The defendant shall earn a GED and/or high school diploma or, complete vocational training or an apprentice program, as directed by his probation officer:

~~17.~~ The defendant shall complete <sup>500</sup> 200 hours of community service removing graffiti, or as otherwise directed by his probation officer:

~~18.~~ The defendant shall enter into, participate in and complete treatment, counseling or therapy as directed by his probation officer.



*Walter Tyrone E. Medley*  
*Aug. 25, 1997.*